

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Warangal District – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificate by the Collector & District Magistrate, Warangal vide Proc.No.C5/5194/2011 dated 26.03.2012 - Appeal filed by Sri Mudu Veeraswamy, S/o.Samya, R/o.Nazithanda, Mangalavaripeta Village, Khanapur Mandal, Warangal District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 42

Dated: 03-10-2023.

Read the following:-

1. Proceedings No.C5/5194/2011 dated 26.03.2012 O/o. the Collector & District Magistrate, Warangal.
2. Appeal petition filed by Sri Mudu Veeraswamy, S/o.Samya, R/o.Nazithanda, Mangalavaripeta Village, Khanapur Mandal, Warangal District, dated .06.2023.
3. Govt. Memo.No.744/TW.LTR/2023-1&2, dated 14.07.2023 and 14.08.2023
4. Govt.Notice No.744/TW.LTR/2023, dated 14.07.2023, 27.07.2023 and 14.08.2023
5. From the District Tribal Development Officer, Warangal District Lr.Rc.No.R3/261/2023, dated 25.08.2023.

ORDER:-

In the reference 1st read above, the Collector & District Magistrate, Erstwhile Warangal District has cancelled the Local Scheduled Tribe Agency Area Certificate bearing No.C/1859/2006, dated 10.7.2006 of Sri Mudu Veeraswamy, S/o.Samya, R/o. Mangalavaripeta Village, Khanapur Mandal, Warangal District – gist of which is as under:

- i) Deputy Director (TW), Warangal in Lr.No.T6/421/2011/DD(TW), dated 15.11.2011 had requested to convene DLSC into genuineness of local ST certificate No. C/1859/2006, dated 10.7.2006 issued to Sri Mudu Veera Swamy R/o Mangalavaripeta village of Khanapur Mandal.
- ii) Individual attended before the DLSC on 7.12.2011 and submitted his explanation along with copies of certain documents in support of his claim of local ST and it was referred to the Revenue Divisional Officer, Narsampet for re-enquiry and submission of report.
- iii) The Revenue Divisional Officer, Narsampet submitted report vide Lr.No.E/552/2011, dated 31.12.2011 stating that name of any member of the family of the individual are not found in the revenue records from the year 1950 and during enquiry in the village, the certificate holder and his family members have failed to produce any evidence to confirm that they are living in Mangalavaripeta village of Khanapur Mandal from the year 1950 onwards. Therefore, the Revenue Divisional Officer, Narsampet reported that Sri Mudu Veera Swamy S/o Swamy R/o Mangalavaripeta village is not a local ST and the local ST Candidate Certificate No.C/1859/2006, dated 10.7.2006 issued to him is not in accordance with GO Ms.No.3, dated 10.1.2000 of SW (TW.Edn.II) Dept. wherein the local ST candidate means the candidates belonging to the Scheduled Tribes notified as such under Article 342 of the Constitution of India and the Candidates themselves or their parents have been continuously residing in the Scheduled Areas of the Districts in which they are residents till to date since 26.01.1950.
- iv) In view of the above, the DLSC has recommended for cancellation of his local ST Candidate Certificate bearing No.C/1859/2006, dated 10.7.2006 issued by the Tahsildar, Khanapur.

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2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Warangal vide reference 2nd read above, the appellant Sri Mudu Veeraswamy S/o Samya R/o Nazithanda, Mangalavaripeta village of Khanapur Mandal in Warangal District has filed the present Appeal before the Government under GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018. The appellant has been provisionally selected for the post of Telugu Pandit Grade - II in DSC 2011 vide Application No.110525 under Agency Area Local ST category but appointment orders have not been issued due to cancellation of his Agency Area Local ST Certificate. In the Appeal, the appellant has contending as follows:

- i) He belongs to ST Lambada community and a permanent resident of Mangalavaripeta agency village in Khanapur Mandal of Warangal District living continuously in the said village from the times of his forefathers even before 1950. The village Mangalavaripeta is an agency village notified in the Presidential Order, 1950. Therefore, the Tahsildar, Khanapur after causing discrete enquiries and having satisfied with the genuine evidences has issued him the local ST Certificate bearing No.C/1859/2006, dated 10.7.2007 treating him as Local Scheduled Tribe of Mangalavaripeta agency village in Khanapur Mandal.
- ii) Sri Mudu Lakya is his greater grandfather having lands in Rajupeta, a neighbouring village in the same erstwhile Narsampeta taluq. His great grandfathers lived there i.e. in Rajupeta village till 1969 and later in the year 1970 migrated to Mangalavaripeta of the erstwhile Narsampeta taluq and the present Khanapur Mandal where all the families living in Mangalavaripeta only since then. Thus, they have been continuously living in the agency villages i.e. Rajupeta and Mangalavaripeta even prior to 1950.
- iii) The DLSC has not considered any of these facts and recommended for cancellation and the District Collector, Warangal without giving any opportunity before cancellation has straight-away cancelled his Local ST certificate which is not in accordance with the law and also against principles of natural justice.

3. In support of his claim that, the appellant is the agency area local ST candidate of Mangalavaripeta village, submitted the following documents:

- i) Certificates related to educational qualifications from I class to M.A. Post-Graduation, B.Ed. TET etc.
- ii) Community, Nativity and Date of Birth Certificate bearing Rc.No.C/563/2010, dated 24.09.2010 issued by Tahsildar, Khanapur Mandal – wherein it was certified that he belongs to Lambadis ST community and living in Mangalvaripet at H.No.6-82.
- iii) Community and Date of Birth Certificate bearing No.TSGGAA 62591242, dated 11.09.2017 issued by Tahsildar, Khanapur, wherein it was certified that his father Sri Moodu Samya S/o Moodu Jethya belongs to Lambadis -28 (ST) community and resident of Mangalavaripeta village in Khanapur Mandal.
- iv) Community and Date of Birth Certificate bearing No.TSVSAB 15088195, dated 04.06.2020 issued by Tahsildar, Khanapur – wherein it was certified that he belongs to Lambadis-28 (ST) community and resident of Mangalavaripet village.
- v) Nativity Certificate bearing No.00WW 13110635, dated 26.6.2015 issued by Tahsildar, Khanapur wherein it was certified that his place of birth is Mangalavaripet village in Khanapur Mandal.

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- vi) Local ST Certificate bearing Rc.No.C/1859/2006, dated 10.7.2006 issued by Mandal Revenue Officer, Khanapur, wherein it was certified that the individual belongs to Lambada ST community and residing in Naji Tanda H/o Mangalavaripet village which falls within the scheduled area (Part B States) Order, 1950. His parents have been residing in Mangalavaripet of KhanapurMandal since 1950 which falls within the scheduled area (Part B States) Order, 1950.
- vii) Employment Card registered at Sub Employment Exchange, ITDA Eturunagaram, where in his residence village was recorded as Mangalavaripet (Nazithanda), Khanapur Mandal.
- viii) Aadhar Card No.8079 1733 8125 issued by UIDAI Govt. of India wherein his residence was recorded as H.No.3-81/A, Najeethanda, Mangalavaripet, Khanapur Mandal – 506 134.
- ix) Election ID Card No.YNU0835696, date of issue: 5.12.2018 issued to him by Electoral Registration Officer, Narsampet Assembly Constituency showing his place of living as H.No.3-81/A, Nazithanda, Mangalavaripet, KhanapurMandal.
- x) White Ration Card bearing No.WAP212901300467 wherein residence of his father and other family members was recorded as Mangalavaripet village.
- xi) Election ID card bearing No.AP/39/266/522356 issued to his father Mudu Samya by Electoral Registration Officer – wherein residential address was recorded as H.No.2-82, Mangalavaripet.
- xii) Aadhar Card No.4176 5108 3517 issued by UIDAI to his father Moodu Samya – residential address was recorded as H.No.3-82/1, Najeethanda, Mangalavaripet, KhanapurMandal.
- xiii) Election ID card bearing No.AP/39/266/522351, date of issue: 15-12-1995 issued to his mother MuduBaju W/o. Samya by Electoral Registration Officer, Narsampet wherein residential address was recorded as H.No.2-82, Mangalavaripet, Khanapur Mandal.
- xiv) Family Tree

Mudu Lakya is his greater grandfather. He has two sons namely Lachya and Sankru.

Mudu Sankru is great grandfather – he has two sons namely Jethya and Ramji.

Mudu Jethya is grandfather. He has four sons namely Ramdhan, Samya (his father), Dharma and Danjya (younger paternal uncles).

Mudu Samya (father) has three sons namely Mangilal (elder brother), Veeraswamy (appellant herein) and Mudu Ravi (younger brother).
- xv) Pahanies for the years 1948-49 and 1950-51 – Rajupeta village – name of his greater grandfather Sri Moodu Lakya was recorded.
- xvi) Khasra Pahani for the year 1954-55 – Rajupeta – wherein name of his greater grandfather SriMoodu Lakya was recorded for an extent of acs.1.31 in Sy.No.72.
- xvii) Pahanifor the year 1959-60 – Rajuepta - wherein name of his greater grandfather Moodu Lakya was recorded.
- xviii) Pahani for the year 1964-65 - Rajupeta village – wherein name of his greater grandfather Moodu Lakhya was recorded.
- xix) Pahani for the year 1966-67 - Rajupeta village – names of Moodu Lakya and others were recorded for the total extent of acs.28.00 gts in Sy.No.103 (Moodu Lakhya holding 3.00 acres).
- xx) Pahani for the year 1970-71 – Mangalavaripeta village - name of his grandfather Moodu Jetya was recorded.

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- xxi) Pahani for the year 1976-77 – Mangalavaripeta village – Moodu Jetya (grandfather) was recorded for an extent of acs.6.00 gts.
- xxii) Pahani for the year 1985-86 – name of Moodu Jetya (grandfather) was recorded for an extent of acs.6.20 gts. in Ayinapalli village H/o Mangalavaripeta.
- xxiii) Pahani for the year 1988-89 – name of Moodu Jetya S/o Sankar was recorded for an extent of acs.6.20 gts.
- xxiv) Pahani for the year 2001-02 - name of Moodu Danjya S/o Jetya (paternal uncle) was recorded for an extent of acs.2.00 gts.
- xxv) Pahani for the year 2010-11 – name of Moodu Samya S/o Jetya was recorded for an extent of acs.3.00 gts.
- xxvi) Rytu Pass Book issued to Sri Moodu Jetya S/o Sankar for an extent of acs.6.20 gts. in Ayinapalli village H/o Mangalavaripeta village.
- xxvii) Pattedar Pass Book issued to his father Sri Moodu Samya S/o Jetya for holding an extent of acs.1.30 gts in Ayinapalli village of Khanapur Mandal.
- xxviii) Copy of Lr.No.1115/R2D/2023, dt.23.06.2023 of Director, Telangana State Archives and Research Institute – wherein copies of Voter lists supplied to the appellant.
- xxix) Voter list for the year 1977 – 266 Narsampet Assembly Constituency – village: Mangalavarampeta – name of Moodu Jetya (grandfather of appellant) was enrolled at Sl.No.490.
- xxx) Voter list for the year 1980 – 266 Narsampet Assembly Constituency – village: Mangalavarampeta – name of Moodu Jetya (grandfather) was enrolled at Sl.No.54 and Moodu Samya (father of appellant) was enrolled at Sl.No.58.
- xxxi) Voter list for the year 1983 – 266 Narsampet Assembly Constituency – village: Mangalavarampeta – name of Moodu Jetya (grandfather) was enrolled at Sl.No.51 and Samya (father) was enrolled at Sl.No.55.
- xxxii) Voter list for the year 1993 – 266 Narsampet Assembly Constituency – village: Mangalavaripeta – name of Moodu Jetan (grandfather) was enrolled at Sl.No.72.
- xxxiii) Certificate bearing Rc.No.F/193/2015, dated 29.09.2015 issued by the Tahsildar, Narsampet Mandal – wherein it was certified as "On the basis of the Local enquiry conducted, statements recorded by the field staff and as per the evidence and affidavit submitted by the applicant and statement of the village elders of Rajupeta village, the ancestors of Sri Mudu Veeraswamy S/o Samya resided at Rajupet village, Narsampet Mandal from 1950 year to 1970 and shifted to Khanapur Mandal.

4. The plea of the Appellant is that even after submitting all the above evidences before the DLSC, the authorities did not consider his case and recommended for cancellation of his Local ST certificate which was issued by the Tahsildar, Khanapur after causing discrete enquiries. Therefore, prayed the Government to allow his Appeal treating him as Local ST candidate of Mangalavaripeta agency village in Khanapur Mandal.

5. In the reference 3rd read above, Government have admitted the above Appeal petition under G.O.Ms.No.24, dated 12.06.2018 and requested the District Collector, Warangal District, the Project Officer, ITDA, Eturnagaram, Mulugu District and Tahsildar, Khanapur Mandal Warangal District to submit connected records documents pertaining to the case along with para-wise remarks.

6. In the reference 4th read above, Notice was issued to the Appellant to attend for hearing on 26.08.2023 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Mudu Veeraswamy S/o Samya has present and submitted copies of certain documents.

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The District Tribal Development Officer, Warangal present and submitted copies of available documents related to the present appeal in the reference 5th read above, which contain cancellation orders of the District Collector, Warangal dated 26.3.2012 and all certificates issued by the competent authorities including revenue authorities/land holding documents of the appellant held by his forefathers/father etc. duly supplied under attestation by the concerned revenue authorities.

7. Findings

In the cancellation orders of the District Collector, Warangal in Procs.No.C5/5194/2011, dt.26.3.2012, on one hand it was stated that the individual attended before the DLSC on 7.12.2011 and submitted his explanation along with copies of certain documents in support of his claim of local ST which were referred to the Revenue Divisional Officer, Narsampet for enquiry and submission of report. On the other hand, in compliance, the Revenue Divisional Officer Narsampet in his Lr.No.E/552/2011, dated 31.12.2011 reported that names of any of the family member of the individual are not found in revenue records from the year 1950 and that they failed to produce any evidence to prove that they are living in Mangalavaripeta village of Khanapur Mandal from the year 1950 onwards – which are contradicting to each other. Admittedly, the land documents were issued by the concerned Tahsil offices duly attested and certifications duly issued under stamp and seal after causing field enquiry by the concerned revenue field staff – amply prove that the forefathers/father of the appellant possess immovable properties in the scheduled area and continuously living in the agency villages of Rajupeta and Mangalavaripeta in the erstwhile Narsampet Taluq/present Khanapur Mandal of Warangal District.

8. On perusal of the documentary evidences submitted by the Appellant and documents made available by the District Tribal Development Officer, Warangal during hearing on 26.8.2023 and in view of the above findings, it is found that the Appellant Sri Mudu Veera Swamy S/o Swamy is the local Scheduled Tribe of Mangalavaripeta agency village in Khanapur Mandal of Warangal District.

9. Government after careful examination of the matter, hereby allow the Appeal filed by Sri Mudu Veeraswamy S/o Samya R/o Nazithanda, Mangalavaripeta village of Khanapur Mandal in Warangal District, treating his Local ST certificate bearing No.C/1859/2006, dated 10.7.2006 issued by the Mandal Revenue Officer, Khanapur Mandal as GENUINE duly setting aside orders of the Collector & District Magistrate, Warangal in Procs.No. C5/5194/2011, dated 26.3.2012.

10. The Collector and District Magistrate, Warangal District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To
The Collector and District Magistrate, Warangal District (By RPAD)
Sri Mudu Veeraswamy, S/o.Samya,
R/o.Nazithanda, Mangalavaripeta Village, Khanapur Mandal,
Warangal District -506134 (By RPAD)

Copy to:-

The Commissioner and Director of School Education,
Telangana State, Hyderabad.
The District Educational Officer, Warangal
The Project Officer, ITDA, Eturnagaram, Mulugu District
The District Tribal Development Officer, Warangal District.
The Tahsildar, Khanapur Mandal, Warangal District
The P.S. to Hon'ble Minister for ST Welfare.
The PA to Secretary (TW).
The PA to Special Secretary (TW).
Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.